

REMARKS

Claims 1-4 and 18-33 are pending in the application. The amendments to claims 1-4 are based on an interview held with Supervisory Examiner Christina Chan and Examiner Maher Haddad on November 19, 2003, during which it was indicated that the claims would be in allowable condition if the claims are amended as such. Accordingly, no new matter has been inserted into the application, and no new issue has been raised requiring additional search or consideration.

Interview

Applicants' representative thanks Supervisory Examiner Christina Chan and Examiner Maher Haddad for the courtesies extended during the telephonic interview held on November 19, 2003. In the interview, the outstanding rejection was discussed. It was indicated that claims 1-4 and 20-23 would be in allowable condition if the claims are amended to remove “, and having anti-angiogenic activity” from claims 1-4. During the interview, the possibility of rejoining the outstanding method claims 18-19 and 24-33 was also discussed.

Restriction Requirement – Rejoinder of Method Claims 18-19 and 24-33

The subject matter of claims 18-19 and 24-33 were subject to a restriction requirement. As a result, these claims were not examined on the merits. The rejoinder rules are as follows (MPEP § 821.04):

Where product and process claims drawn to independent and distinct inventions are presented in the same application, applicant may be called upon under **35 U.S.C. 121** to elect claims to either the product or process. See **MPEP § 806.05(f)** and **§ 806.05(h)**. The claims to the nonelected invention will be withdrawn from

further consideration under 37 CFR 1.142. See MPEP § 809.02(c) and § 821 through § 821.03. However, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Since the product claims 18-19 and 24-33 have been indicated to be allowable, the Examiner is respectfully requested to reconsider and rejoin the method claims for prosecution on the merits.

Rejection Under 35 U.S.C. §112, First Paragraph

Claims 1-4 and 20-23 have been rejected under 35 U.S.C. §112, first paragraph, because the specification allegedly does not provide enablement for the claims as recited. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested. As discussed above, this rejection has been overcome by the present amendments to the claims.

Conclusion

It is believed that the application is now in condition for allowance. Applicants request the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.


The Commissioner is authorized to charge JHK Law's Deposit Account No. 502486 for any fees required under 37 CFR §§1.16 and 1.17 that are not covered, in whole or in part, by a credit card payment enclosed herewith and to credit any overpayment to said Deposit Account No. 502486.

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Respectfully submitted,



Joseph Hyosuk Kim, Ph. D.
Registration No. 41,425

JHK Law
P.O. Box 1078
La Canada, CA 91012-1078
Telephone: 818-952-7430
Facsimile: 818-952-7424